

Appl. No.: 09/944,165
Amendment dated August 26, 2005
Reply to Office Action of June 24, 2005

Amendments to the Drawings

Please add new Figure 6, as shown on the attached one (1) drawing sheet.

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REMARKS/ARGUMENTS

The final Office Action of June 24, 2005 has been carefully reviewed and these remarks are responsive thereto. Applicants have amended claims 1, 10, 19, 22, 23, 25, 27, and 30 to present the claims in a more preferred form, and not in response to any specific rejection or objection by the pending office action. Reconsideration and allowance of the instant application are respectfully requested.

Objection to the Drawings

The Office Action objects to the drawings as failing to show all the features of claims 1, 10, 19, 22-23, and 27. More specifically, the Office Action alleges the drawings fail to show the recitation "the zoom-ratio based on a predetermined maximum zoom-ratio and a predetermined minimum zoom ratio." However, this aspect of each claim is inherent in the figures.

For example, claims 1, 19, 22-23, and 27 are directed to a handheld device, which is clearly shown in Figures 1-5. Figure 5 even provides a block diagram of a handheld device, indicating a zoom circuit 511, zoom input control 201, stepping circuit 515, and step control 517. The specification further recites that step control 517 receives input from a user and sends the user input to the stepping circuit 515, which modifies the zoom increment responsive to the received input.

The MPEP provides some clarification of the drawing requirement. The drawings should show any *structural* detail of sufficient importance to be described. See MPEP § 608.02(d). The portion of claims 1, 19, 22-23, and 27 referred to by the Office Action refers to structural details which are clearly illustrated in Figure 5 at least at blocks 201, 511, 515, and 517, and clearly described in the specification as filed.

Claim 10 is directed to a method for manipulating content displayed on a display screen. Applicants, by the present amendment, have added Figure 6 illustrating the method as described in the application as filed, at least as in original paragraph 35. No new matter has been added.

Objection to the Specification

The Office Action objects to the specification as failing to provide proper antecedent basis for claim 32, namely, the office action alleges the specification does not describe "the device

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displays the first content when the first depth corresponds to a current zoom-ratio, and wherein the device displays the second content when the second depth corresponds to the current zoom-ratio.” However, paragraphs 25 and 26 state that where content is three-dimensional, content may be defined such that specified content may only appear when the display is in a predetermined range of zoom levels. Thus, different pieces of content may come into view and pass out of view at various zoom levels, providing a simulated three-dimensional effect. This description in the specification conveys to the artisan that the inventors had possession of the subject matter which they now claim at the time of filing the application, and the specification easily satisfies the requirements of 35 U.S.C. 112, first paragraph. Also, to the extent the Office Action requires that the claim and specification use identical terminology, the patent laws have no such requirement. *See, e.g., Ex parte Eggleston* (B.P.A.I. 2005) (“an invention claimed need not be described *ipsis verbis* in the specification in order to satisfy the disclosure requirements.”). Applicants therefore respectfully request the objection be withdrawn.

Rejections Under 35 U.S.C. § 112

Claims 32-33 stand rejected under 35 U.S.C. § 112, first paragraph, because the specification allegedly does not describe “the device displays the first content when the first depth corresponds to a current zoom-ratio, and wherein the device displays the second content when the second depth corresponds to the current zoom-ratio.” However, as discussed above, paragraph 26 states that where content is three-dimensional, content may be defined such that specified content may only appear when the display is in a predetermined range of zoom levels. Thus, different pieces of content may come into view and pass out of view at various zoom levels, providing a simulated three-dimensional effect. Applicants respectfully submit that such disclosure meets the requirements of 35 U.S.C. 112, first paragraph, discussed above, and requests the rejection be withdrawn.

Claims 32-33 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular, the Office Action suggests that claims 31 and 32 are contradictory because “[i]f zoom ratios are the same, then the first depth is the same as the second depth and content will also be the same.” Office Action, p. 4. Applicants do not see any such contradiction. There is no restriction in

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the claims prohibiting the display of both first and second content. Furthermore, claim 31 does not restrict one depth per zoom-ratio, stating instead that "each zoom-ratio is associated with one or more corresponding depths." In addition, there is no limitation in the claim requiring that the current zoom ratio remain constant, and thus the current zoom ratio may change as the user zooms in and out on the content. Applicants therefore submit that claims 32-33 are not indefinite, and respectfully request the rejection be withdrawn.

Rejections Under 35 U.S.C. § 103

Claims 1, 3-8, 10, and 12-17, 19, 21-27, and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kung *et al.* (U.S. Pat. No. 6,570,583 B1, hereinafter Kung) in view of Phillipps (U.S. Pat. No. 6,107,988) and Nishimura (U.S. Pat. No. 6,204,880). Applicants respectfully traverse this rejection for at least the following reasons.

Responsive to Applicants' previous amendment, the present Office Action now includes Nishimura in the rejection of claims 1, 3-8, 10, and 12-17, 19, 21-27, and 30. However, there is no motivation or suggestion to combine Nishimura with either Kung or Phillipps. The Office Action alleges a supposed motivation in order "[to make the] zooming look natural." However, this argument fails for a variety of reasons. First, there is no indication that the zooming in a handheld device such as Kung or Phillipps looks unnatural, so there is no need to combine Kung or Phillipps with Nishimura. Second, the zooming system of Nishimura is concerned with making zooming look natural as a *video camera changes from an optical zoom lens to a digital zoom*, and vice versa. See Nishimura col. 6, lines 10-24. Neither Kung nor Phillipps teaches or suggests the need for a natural transition from an optical lens zoom to a digital zoom. Indeed, neither Kung nor Phillipps even use an optical zoom lens. Thus, there is no expectation of success in the resultant combination of Kung and Phillipps with Nishimura.

In addition, even if Kung, Phillipps and Nishimura were combined, they would not teach or suggest the claimed inventions. Claims 1, 10, 19, 22, 23, 25, 27, and 30 each recite a zoom-ratio. The zoom-ratio of Nishimura refers to the ratio between the maximum focal distance and the minimum focal distance of a zoom lens. Nishimura, col. 1, lines 38-40. However, the zoom-ratio as claimed is defined in the specification, which states that zooming may take place smoothly, with

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very little differentiation between zoom levels, or the zooming may take place in larger steps. The smooth zooming method is such in which the steps of zoom are not fixed or predetermined, but the zoom-ratio may be any permanent or temporary value between maximum and minimum values. Those of skill in the art will understand that the claimed zoom-ratio refers to a ratio of the current zoom to a non-zoomed view (e.g., 2x, 3.3x, 5x, etc.). Thus, the zoom-ratio of Nishimura is not the same zoom-ratio as claimed. Thus, claims 1, 3-8, 10, and 12-17, 19, 21-27, and 30 are not obvious over Kung in view of Phillipps and Nishimura.

Claims 28-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kung in view of Phillipps and Nishimura, and further in view of Tanaka (U.S. Pat. No. 6,473,796). Claims 28-29 are allowable for at least the same reasons as their respective base claims, as Tanaka does not cure the deficiencies of Kung, Phillipps, and Nishimura. Indeed, Tanaka refers to a zoom level of a camera lens, and thus there would be no motivation to combine Tanaka with Kung, Phillipps, and Nishimura.

Claim 36 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kung in view of Phillipps and Nishimura, and further in view of Sakai *et al.* (U.S. Pat. No. 4,509,841). Claim 36 is allowable, however, for at least the same reasons as its respective base claim, as Sakai does not cure the deficiencies of Kung, Phillipps, and Nishimura. Indeed, Sakai refers to a zoom level with respect to focusing a lens, and thus there would be no motivation to combine Sakai with Kung, Phillipps, and Nishimura. Furthermore, the vague statement that the references could be combined "in order to increase the range of applications" does not meet the requirement that a motivation to combine be found in the prior art references.

Claims 31 and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kung in view of Phillipps and Nishimura, and further in view of Harada (U.S. Pat. No. 5,038,164). Claims 31 and 34 are allowable for at least the same reasons as their respective base claims, as Harada does not cure the deficiencies of Kung, Phillipps, and Nishimura. Indeed, Harada refers to a

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camera having an auto focus lens, and thus there would be no motivation to combine Harada with Kung, Phillips, and Nishimura.

Claim 35 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kung in view of Phillipps, Nishimura, and Harada, and further in view of Neff *et al.* (U.S. Pat. No. 6,424,464). Claim 35 is allowable, however, for at least the same reasons as its respective base claim, as Neff does not cure the deficiencies of Kung, Phillips, and Nishimura. Indeed, Neff refers to a interactive curves surface seismic interpretation and visualization, and thus motivation to combine Neff with Kung, Phillips, and Nishimura is lacking. The alleged motivation, to project 3D data, is found only in Applicants' own disclosure, and thus the combination is also improper hindsight.

CONCLUSION

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the Examiner is requested to contact the undersigned at (202) 824-3153.

Respectfully submitted,

Dated this 26th day of August, 2005

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